

EXHIBIT 385

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF OHIO
3 EASTERN DIVISION

4 - - -

5 IN RE: NATIONAL : MDL NO. 2804
6 PRESCRIPTION OPIATE :
7 LITIGATION :

7 : CASE NO.
8 THIS DOCUMENT : 1:17-MD-2804
9 RELATES TO ALL CASES:
10 : Hon. Dan A.
11 : Polster

12 - - -

13 Tuesday November 20, 2018

14 - - -

15 HIGHLY CONFIDENTIAL - SUBJECT TO FURTHER
16 CONFIDENTIALITY REVIEW

17 - - -

18 Videotaped deposition of
19 MARK VERNAZZA, taken pursuant to notice,
20 was held at Zuckerman Spaeder, LLP,
21 1800 M Street NW, Suite 1000, Washington,
22 DC 2003, beginning at 9:13 a.m., on the
23 above date, before Amanda Dee
24 Maslynsky-Miller, a Certified Realtime
Reporter.

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18 But the point of this was
19 not to produce results for the purposes
20 of determining whether suspicious orders
21 were made and reporting those to the DEA.

22 Q. And this PDMR report is
23 printed every three months, true? This
24 is a three-month report? Do you know

1 that?

2 A. I believe it's -- perhaps
3 comes out on different cadences over the
4 course of time. To the best of my
5 corporate knowledge, I understood it to
6 be a monthly report.

7 Q. So this isn't -- certainly
8 isn't looked at before any particular
9 order for a controlled substance is being
10 shipped out to one of your pharmacies,
11 true?

12 A. It is not.

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1 Q. And would I be correct to
2 say there were no written policies,
3 procedures and protocols for those
4 pickers and the packers in '06, with
5 respect to their obligations? Nothing in
6 writing?

7 A. In 2006, not in writing. We
8 later have reduced that process to
9 writing, as a part of a policy.

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[REDACTED]

Q. Can you describe to me the training program that the pickers and the packers went through to identify unusual orders of size, frequency or pattern?

MR. DELINSKY: Object to form.

THE WITNESS: Are you speaking -- in which time period?

BY MR. KENNEDY:

Q. In '06. In '06.

A. To the best of my corporate knowledge, there was no formal training program. However, the pickers and the packers who I spoke with who worked in that environment in 2006 told me that they were aware of that component of their job responsibilities and had acquired that knowledge in the course of their employment.

Q. And what were the job requirements to be a picker and a packer at a CVS distribution center in 2006?

1 A. I'm unaware of the formal
2 job requirements. I have been told that

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22 Q. Well, then, we'll go through
23 this a little bit more carefully.
24 Do you agree with her

1 statement here, We are still in the
2 process of writing the suspicious order
3 monitoring section of this standard
4 operating procedure?

5 As of this date, do you
6 agree that it was still being written, in
7 November of 2007? Do you agree with that
8 statement?

9 A. To the best of my corporate
10 knowledge, that is true.

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Q. All right. So what we're seeing in Exhibit-6 is not the suspicious order monitoring policy that was put into effect on 12/1/07; is that what you're saying?

A. What I'm saying is I don't believe that there was a suspicious order monitoring policy put into place as of that date.



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We agree, at this point in time now, it's April of '09, and the standard -- or, excuse me, the suspicious order monitoring section is still not included in the standard operating procedures, correct?

A. A final version is not included in the standard operating procedures being referenced by Mrs. Propatier in this e-mail.



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10 A. Based on my preparation for
11 this deposition and the interviews that I
12 have conducted and my corporate
13 knowledge, the IRR report was the report
14 that would flag orders for additional
15 review. And within the logistics


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THE WITNESS: At this point
in time, to the best of my
corporate knowledge, Mr.
Mortelliti was taking the first
pass through the IRR himself. And
he would reach out for additional
resources to help him conduct his
due diligence as appropriate.





9 A. In the first-pass review,
10 I'm unable to provide additional names of
11 folks who helped Mr. Mortelliti during
12 the period of time when he had primary
13 responsibility for the review of that
14 report.



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THE WITNESS: I understand
that Mr. Mortelliti's practice
would have been to review the
report on a daily basis and
determine whether items on the
report warranted further review
and due diligence and conduct that
review and due diligence as he
deemed appropriate.



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THE WITNESS: I'm not aware,
during that time period, that Mr.
Mortelliti identified any orders
that were deemed suspicious and
reported to the DEA.



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20 Q. Some rare occasion,
21 something might get flagged for some
22 other reason.

23 But if you don't get flagged
24 in the IRR report, there's not going to

1 be due diligence, true?

2 MR. DELINSKY: Object to
3 form.

4 THE WITNESS: I can't say
5 that that's universally true. But
6 for the most part, that would be
7 true.

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